

**Village of Cold Spring Planning Board
85 Main Street Cold Spring, New York 10516
Workshop Meeting for Elmesco/Dunkin Donuts
VFW Hall on Kemble Ave.**

December 4, 2012

Present: Chairman Joseph Barbaro, Arne Saari, Placito Sgro, Richard Weissbrod and Jimmy Zuehl also present were Steve Gaba; Village Attorney and Rob Cameron from Putnam Engineering

Present for the applicant: Kenny Elmes; Property owner, Ron Lezott, gk&a Architects, Anthony Morando and Jennifer Von Tuyl; Cuddy and Feder; Applicants Attorneys.

Ms. Von Tuyl noted the full EAF previously requested by the Board had been provided and presented. Ms. Von Tuyl also noted the Board had received copies of the traffic study which had been compared that was also requested by the Board.

1. Parking and traffic concerns:

Issues over concerns were reviewed and discussed. The Ms. Von Tuyl proposed the following:

Proposing to modify the plan and add a new note to the plan stating the following:

- Replace no standing sign with a big white X which indicates do not block and noted that big white X's can be seen in the Village. A note stating that "owner will take reasonable necessary steps to prevent drive-thru queues from backing up onto Chestnut Street or blocking parking spaces owner will have available traffic cones or saw horse to be temporarily placed to block drive-thru if queue blocks parking spaces in addition owner consents to ticketing of cars in drive-thru queues on its property for blocking parking spaces" which can be added to the plans. This will insure that the owner will take responsibility and do what it takes to control the queue traffic problem.
- Additional signage if approved by HDRB "do not block parking" for potential queue customers.

Mr. Ron Lezott - noted that Site Plan #12 of 12 of site plan set it is called loading and striping plan which and reflexes graphically where loading areas are and striping provided a 5 ft. wide sidewalk, the X out white striping will be 6 in wide white striping and a proposed do not block driveway sign. Ms. Jennifer Van Tuyl noted they believed the white X is clearer than a no standing sign.

There was a brief discussion regarding the traffic pattern by Board members and the applicant after that discussion, the Board members agreed to keep the traffic pattern as presented.

2. Screening:

Ms. Van Tuyl noted that the idea of whether there should be additional screening along the northerly property line. The applicant expressed concern over planting along the northern side. The northerly sloop is about 7 ft. There was a brief discussion over the screening The Board members agreed 3-2 that additional screening is needed.

P. Sgro and J. Zuehl felt the existing screening was sufficient. Ms. Van Tuyl suggested paying money to the Board to purchase and plant 7 Spruce trees. R. Weissbrod suggested planting 10 trees to extend the screening line. Mr. Steve Gaba noted the Board cannot accept money to plant trees. A discussion ensued over where the trees would be planted either on the applicant's property or the neighbor's property. It

was noted the neighbor's property would be better since it was higher. At the end of the discussion the following was agreed upon:

- The height of the trees would be about 5-6 ft. each
- The applicant would plant 7 Spruce trees on the northerly side of the property and if it is sufficient 7 will be all that is needed. Up to 10 trees could be planted if needed.
- Ron Lezott and Rob Cameron will see if the 7 tree planting will be sufficient.

3. Concern about hours of operation:

Ms. Van Tuyl proposed placing the following items on the plans:

- Hours of operation are from 6:00 AM - 10:00 PM and that includes the drive-through. Ms. Van Tuyl noted that is business hours for customers only and does not include such things as employees stocking shelves. Chairman polled the Board members. All board members agreed to have the above statement put as a note on the plan.
- All delivery trucks shall be turned off and not left idling during deliveries and headlights are to be turned off.
- Designated delivery trucks parking spots will be shown. There was a brief discussion over location of delivery truck parking spots relating to location of the delivery door and Mr. Gaba reminded the applicant that any changes made not on the site plan will be a violation. Mr. Lezott noted the drawing will be changed so the delivery parking is not shown at the curb.

4. Temporary signs:

Ms. Van Tuyl noted the Board suggested special provisions for Dunkin Donuts related to temporary signs, Ms. Van Tuyl noted that Dunkin Donuts should be treated the same as any other applicant in the village and no basis to place Dunkin Donuts under stricter restrictions. Ms. Van Tuyl noted there is already a provision in the code {134.18(A) (2)} relating to temporary signage. Mr. Gaba noted they are different than anybody else since Dunkin Donuts in general do put out large signs. The Planning Board is allowed to impose site specific stricter conditions to the site plan relating to signage. **J. Barbaro** polled the Board members regarding the stricter signage code that if violated will be a violation of site plan as well as Village Code. The Board approved the stricter signage by 3-2. **A. Saari** and **P. Sgro** felt Dunkin Donuts should follow the same Village Code relating to temporary signage as anyone else.

Mr. Gaba noted the following:

A note shall be added to the site plan stating that temporary advertising signs, banners, and or commercial signage may be erected on the property unless it has been expressly approved by the Planning Board Ms. Van Tuyl noted that note is too harsh for the applicant to have to come before the Planning Board for every sign. There was a discussion between Ms. Van Tuyl and Mr. Gaba regarding the signage code for the applicant. Mr. Gaba noted they can limit the signage conditions to external signage only.

5. Crosswalk: A 5 ft. wide sidewalk was presented from Chestnut Street to the front of the building. **J. Barbaro** polled the Board members and it was decided to keep it as presented.

Mr. Van Tuyl noted they will add the following note to the plan:

"In the event of future discussions of the enhanced pedestrian access in the vicinity of the chestnut street shopping center by review of site plans on adjacent properties or otherwise the owner remains willing to discuss with adjacent owners and the Planning Board and village representatives and to

implement reasonable measures to enhance pedestrians access on its property in a method compatible with access on adjoining properties."

6. Signs: The applicant proposed to move a "do not enter sign" to a closer location. Ron noted the sign can be on the painted text along the rear southwestern building rather than on the easement area.

7. Traffic Circulation: Ms. Van Tuyl suggested adding the following note to the site plan: "Owner shall maintain the site to allow proper circulation of vehicles for approved site plan". Mr. Gaba suggested the following note or similar : "a note shall be added to the site plan stating that property owner and operators are responsible for keeping the access easement over the adjoining property free of obstruction such as parked cars. Failure to keep the access easement over the adjoining property free of obstruction such as parked cars shall be deemed a violation of approved site plan" Jennifer noted she does not want to put a note on the plan that will cause a burden and asked for a general note. The Board discussed with the Mr. Gaba the above note and the Board members agreed the applicant can put the general note on the plan as suggested by Ms. Van Tuyl.

Mr. Van Tuyl also suggested putting a note on the plan regarding fuel deliveries will take place after business hours. But noted they cannot be a guarantor of what the truck driver will do on a site when no one is there. Board members agreed to the note after being polled by Chairman J. Barbaro.

J. Barbaro noted the applicant previously submitted a long form EAF and the Board members did a SEQRA review.

Chairman **J. Barbaro** read a proposed resolution including the negative declaration prepared by the Village attorney, Steve Gaba.

A roll call vote was taken. The vote was as follows:

R. Weissbrod moved to accept SEQRA resolution as presented and **A. Saari** seconded the motion.

Arne Saari	voted	yes
Placito Sgro	voted	yes
Jimmy Zuehl	voted	yes
Richard. Weissbrod	voted	yes
Joseph Barbaro	voted	yes

Chairman Barbaro noted the motion carried by a vote of 5-0.

The Board members then reviewed and discussed the Site Plan approval. The following changes were made:

A. add to the site plan "Submission of a detail to be added to the site plan providing landscaping for screening along either the northern boundary of the property or the southerly boundary of the adjoining property to the north with a continuing maintenance obligation, to the satisfaction of the Planning Board's engineering consultant. "

The maintenance of the trees were reviewed and discussed. Mr. Elmes noted he would plant the trees on Elmesco property so he can take care of them himself however the effect will not be the same as if planted on the neighbor's property. The Spruce or something similar will be used.

D. The word external must be added to temporary advertising signs. Mr. Gaba noted that the pump signs should be shown on the pumps on the site plan can remain. The applicant can get approval for the position of the sign for a onetime only approval for the sign on the pump but the language can change.

E. Mr. Gaba suggested inserting the note volunteered by the applicant stating "In the event of future discussions of enhanced pedestrian access in the vicinity of the Chestnut Street Shopping Center, by review of the site plans on adjacent property or otherwise, the owner remains willing to discuss with adjacent owners, the Planning Board and Village representatives, and to implement, reasonable measures to enhance pedestrian access on its property in a method compatible with access on adjoining properties."

F. Remove the following "failure to enforce the said on site traffic control provisions etc." and add "owner will have available cones or sawhorse to be temporarily placed to block drive-thru if queue blocks parking spaces. In addition owner consents to ticketing of cars in drive-thru queue on its property for blocking parked cars".

H. Mr. Van Tuyl noted asked to have the following removed "Failure to enforce the said traffic control provision regarding fuel delivery trucks shall be deemed a violation of the provisions of the approved site plan" and noted the applicant has no control of what the fuel truck delivery drivers do regarding not backing out on Route 9D. A note will be added to the site plan stating "The owner /operator will instruct fuel delivery trucks not to back out onto route 9D".

J. A note shall be added to the site plan stating that "The property owner and operators shall maintain the site to allow proper circulation of vehicles as per the approved site plan,"

K. The following will be removed A note shall be added to the site plan stating that the property owner and operators are responsible for keeping the access easement over the adjoining property free of obstructions, such as parked cars. Failure to keep the keeping the access easement over the adjoining property free from obstructions, such as parked cars shall be deemed a violation of the provisions of the approved site plan. "A performance bond for the required landscaping shall be posted in an amount no greater than \$5000.00 as shall be determined by the Planning Board's engineering consultant "will be added.

Loading and unloading space which shall be separately provided and asked how parking spaces will be used for delivery.

Parking 134-18 provision in the Village Code which state "loading and unloading which notes no required parking space shall be used for turning loading and unloading space required by the nature and operation of any use business industry, institution or building but shall be separately provided". A discussion ensued regarding the delivery truck driving over marked spaces. Mr. Gaba suggested the following:

- 1. The code could be interpreted as not applying since business will be closed during fuel delivery.
- 2. Applicant applying for a waiver from the Planning Board by saying truck could make deliveries after hours and drive over the spaces.
- 3. The Applicant noting that the condition had existed for over 25 years and should be grandfathered in. Mr. Gaba asked for photo showing a car parked over the parking space for the purpose of grandfathering that code.

J. Barbaro suggested to acknowledge that the statement "no required parking space shall be used for turning loading and unloading space required by the nature and operation of any use business industry,

institution or building but shall be separately provided” is in the code and the Planning Board should grant a waiver. After polling the Board, all members agreed that the Planning Board will grant a waiver.

Mr. Gaba noted language should be added to a new paragraph 3 providing a waiver to Code Section 134-18 stating “Loading and unloading” provision of Village Code 134-18 is hereby granted to permit gasoline deliveries as per the site plan.

Mr. Gaba suggested crossing out the 8/27/12 last revision date and just put “revisions” in the last revision box on the plan where it is dated 3/16/12 with revisions for 8/27/12 since new revisions will be made.

J. Barbaro read pages 1 and 2 of the proposed decision (attached).

J. Zuehl moved to adopt the resolution based on the conditions reviewed and **A. Saari** seconded the motion.

A Roll call vote was taken. The vote was as follows:

Arne Saari	voted	yes
Placito Sgro	voted	yes
Jimmy Zuehl	voted	yes
Richard. Weissbrod	voted	yes
Joseph Barbaro	voted	yes

By a vote of 5-0 the motion has been approved.

Ms. Van Tuyl thanked the Board.

R. Weissbrod moved to adjourn the meeting and **A. Saari** seconded the motion. The meeting was adjourned at 9:42 P.M.

Joseph Barbaro Planning Board Chairman

Date